United Nations

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Security Council

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06-28333*0628333*

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 March 2006 from the Permanent Representative of Spain to the United Nations addressed to the Chairman of the Committee

With regard to your letter dated 29 July 2005, please find attached Spain's final comments and additional information on the matrix summarizing the information contained in Spain's first national report on the implementation of Security Council resolution 1540 (2004), which was prepared by the Committee under your chairmanship (see annex).

Changes and additions to the matrix appear in boldface type.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**
Permanent Representative

06-28333 (E) 130406

Annex to the letter dated 22 March 2006 from the Permanent Representative of Spain to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

[Original: Spanish]

State: Spain

Date of report: 26 October 2004

Did you make one of the following statements or is your country a State party to or member State of one of the following conventions, treaties and arrangements?		*YES*	*If YES, indicate relevant information (i.e. country, accession, ratification, entering into force, etc.)*	*Please cite information and/or the page of the English version of the report or an official website*
1	General statement on non-possession of WMD		**Spain does not possess weapons of mass destruction**	
2	General statement on commitment to disarmament and non-proliferation	X	European Union Strategy against the Proliferation of Weapons of Mass Destruction	Page 7 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Neither supports nor collaborates in any way with non-State actors	Page 2 of the report
4	Biological Weapons Convention (BWC)	X	**Deposit 20 June 1979**	Page 7 of the report
5	Chemical Weapons Convention (CWC)	X	**Deposit 3 August 1994**	Page 7 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	**Deposit 5 November 1987**	Page 7 of the report
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	**Deposit 31 July 1998**	Page 7 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	**Entry into force 6 October 1991**	Page 2 of the report
9	Hague Code of Conduct (HCOC)	X	**Original signatory (25 November 2002)**	Page 7 of the report
10	Geneva Protocol of 1925	X	Deposit 22 August 1929	http://disarmament.un.org:8080/Treaty Status.nsf

Did you make one of the following statements or is your country a State party to or member State of one of the following conventions, treaties and arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks: (Information refers to the page of the English version of the report on an official website)*
11	International Atomic Energy Agency (IAEA)	**X**	**Safeguards Agreement: accession 5 April 1989** **Additional Protocol: entry into force 30 April 2004**	Page 5 of the report
12	Nuclear-Weapons-Free Zone/Protocol(s)			
13	Other conventions/treaties	**X**	1. Treaty creating the European Atomic Energy Community **2. Convention on the Physical Protection of Nuclear Material** 3. Convention on Nuclear Safety 4. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management **5. International Convention for the Suppression of Acts of Nuclear Terrorism (signature 14 September 2005)**	Page 3 of the report
14	Other arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Zangger Committee (ZC) 3. Australia Group (AG) 4. Missile Technology Control Regime (MTCR) 5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative **(PSI)** **7. Container Security Initiative (CSI)**	Pages 6 and 8 of the report
15	Other	X	Initiative for inclusion of a non-proliferation clause in European Union agreements with third countries	Page 7 of the report

S/AC.44/2004/(02)/15/Add.1

OP 2 — Biological weapons (BW)

State: **Spain**

Date of report: 26 October 2004

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Criminal Code, articles 566 and **567** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **manufacture**	X	Criminal Code, articles 566 and **567** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **manufacture**	Page 3 of the report
2	Acquire	X	Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **acquisition and sale**	X	Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **acquisition and sale**	Page 3 of the report
3	Possess	X	Criminaal Code, articles **566 and 567 568** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	X	Criminal Code, articles **566 and 567 568** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	Page 3 of the report
4	Stockpile/store	X	Criminal Code, articles 566 and **567 568** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	X	Criminal Code, articles 566 and **567 568** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	Page 3 of the report
5	Develop	X	Criminal Code, articles **566** and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **development of biological weapons (scientific and technical research geared to the creation of a new biological weapon or the transformation of an existing one)**	X	Criminal Code, articles **566** and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **development of biological weapons (scientific and technical research geared to the creation of a new biological weapon or the transformation of an existing one)**	Page 3 of the report

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
6	Transport	**X**	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): transport is not expressly mentioned, but possession and trade are (i.e. assumed transport also includes assumed possession and trade)**	**X**	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): transport is not expressly mentioned, but possession and trade are (i.e. assumed transport also includes assumed possession and trade)**	Page 3 of the report
7	Transfer	**X**	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): trafficking or trade (acquisition or sale)**	**X**	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): trafficking or trade (acquisition or sale)**	Page 3 of the report
8	Use	X	Criminal Code, article **566** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **use**	**X**	Criminal Code, article **566** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **use**	Page 3 of the report
9	Participate as an accomplice in aforementioned activities	**X**	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of complicity**	**X**	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of complicity**	Page 3 of the report

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violations be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
10	Assist in aforementioned activities	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	**Page 3 of the report**
11	Finance aforementioned activities	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	**Page 3 of the report**
12	Aforementioned activities related to means of delivery					
13	Involvement of non-State actors in aforementioned activities	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
14	Other	X	Criminal Code, article 561 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **threatened use** **Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): preparatory activities for the use of biological weapons** **Criminal Code, article 348 (enacted by Organic Law 4/2005 of 10 October 2005): manufacture, use, transport, possession or trade (acquisition or sale) of explosives, flammable, corrosive, toxic or asphyxiating substances or any other material, equipment or devices capable of wreaking havoc, in contravention of established security standards, and endangering the life, physical integrity or health of persons or the environment**	X	Criminal Code, article 561 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **threatened use** **Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): preparatory activities for the use of biological weapons** **Criminal Code, article 348 (enacted by Organic Law 4/2005 of 10 October 2005): manufacture, use, transport, possession or trade (acquisition or sale) of explosives, flammable, corrosive, toxic or asphyxiating substances or any other material, equipment or devices capable of wreaking havoc, in contravention of established security standards, and endangering the life, physical integrity or health of persons or the environment**	Page 3 of the report

S/AC.44/2004/(02)/15/Add.1

OP 2 — Chemical weapons (CW)

State: **Spain**

Date of report: 26 October 2004

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Criminal Code, articles 566 and **567** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **manufacture**	X	Criminal Code, articles 566 and **567** (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **manufacture**	Page 3 of the report
2	Acquire	X	Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **acquisition and sale**	X	Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **acquisition and sale**	Page 3 of the report
3	Possess	X	Criminal Code, articles **566 and 567** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	X	Criminal Code, articles **566 and 567** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	Page 3 of the report
4	Stockpile/store	X	Criminal Code, articles 566 and **567** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	X	Criminal Code, articles 566 and **567** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **possession or storage**	Page 3 of the report
5	Develop	X	Criminal Code, articles **566 and** 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **development of chemical weapons (scientific and technical research geared to the creation of a new chemical weapon or the transformation of an existing one)**	X	Criminal Code, articles **566 and** 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **development of chemical weapons (scientific and technical research geared to the creation of a new chemical weapon or the transformation of an existing one)**	Page 3 of the report

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
6	Transport	X	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): transport is not expressly mentioned, but possession and trade are (i.e. assumed transport also includes assumed possession and trade)**	X	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): transport is not expressly mentioned, but possession and trade are (i.e. assumed transport also includes assumed possession and trade)**	**Page 3 of the report**
7	Transfer	X	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): trafficking or trade (acquisition or sale)**	X	**Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): trafficking or trade (acquisition or sale)**	**Page 3 of the report**
8	Use	X	Criminal Code, article **566** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **use**	X	Criminal Code, article **566** ~~568~~ (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **use**	Page 3 of the report
9	Participate as an accomplice in aforementioned activities	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of complicity**	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of complicity**	**Page 3 of the report**

S/AC.44/2004/(02)/15/Add.1

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
10	Assist in aforementioned activities	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	**Page 3 of the report**
11	Finance aforementioned activities	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	X	**Criminal Code, article 566 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003). In addition, the Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	**Page 3 of the report**
12	Aforementioned activities related to means of delivery					
13	Involvement of non-State actors in aforementioned activities	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
14	Other	X	Criminal Code, article 561 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **threatened use** **Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): preparatory activities for the use of chemical weapons** **Criminal Code, article 568: any unauthorized possession, manufacture, trade (acquisition or sale), trafficking, transport or supply of explosive, flammable, incendiary or asphyxiating substances or equipment or their components** **Criminal Code, article 348 (enacted by Organic Law 4/2005 of 10 October 2005): manufacture, handling, transport, possession or trade (acquisition or sale) of explosives, flammable, corrosive, toxic or asphyxiating substances or any other material, equipment or devices capable of wreaking havoc, in contravention of established security standards, and endangering the life, physical integrity or health of persons or the environment**	X	Criminal Code, article 561 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): **threatened use** **Criminal Code, articles 566 and 567 (enacted by Organic Laws 2/2000 of 7 January 2000 and 15/2003 of 25 November 2003): preparatory activities for the use of chemical weapons** **Criminal Code, article 568: any unauthorized possession, manufacture, trade (acquisition or sale), trafficking, transport or supply of explosive, flammable, incendiary or asphyxiating substances or equipment or their components** **Criminal Code, article 348 (enacted by Organic Law 4/2005 of 10 October 2005): manufacture, handling, transport, possession or trade (acquisition or sale) of explosives, flammable, corrosive, toxic or asphyxiating substances or any other material, equipment or devices capable of wreaking havoc, in contravention of established security standards, and endangering the life, physical integrity or health of persons or the environment**	Page 3 of the report

S/AC.44/2004/(02)/15/Add.1

OP 2 — Nuclear Weapons (NW)

State: **Spain**

Date of report: 26 October 2004

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
1	Manufacture/produce	X	**Criminal Code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, which endanger the lives or health of persons or their property** **Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons and their property)** **Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	**Criminal code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, which endanger the lives or health of persons or their property** **Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons and their property)** **Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995):acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	**Page 3 of the report**

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement – civil, criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
2	Acquire	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt or possession of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt or possession of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	Page 3 of the report
3	Possess	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): possession of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): possession of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	Page 3 of the report
4	Stockpile/store	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	**Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	Page 3 of the report
5	Develop	X	**Criminal Code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, which endanger the lives or health of persons or their property**	X	**Criminal Code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, which endanger the lives or health of persons or their property**	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
			Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons or their property) Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**		**Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons or their property)** Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): acquisition, supply, receipt, transport, possession or trafficking of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	
6	Transport	X	Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): transport of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): transport of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	Page 3 of the report
7	Transfer	X	Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): trade of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	X	Criminal Code, article 345 **(enacted by Organic Law 10/1995 of 23 November 1995): trade of radioactive materials or nuclear substances; or receipt or utilization of their wastes; or use of radioactive isotopes**	Page 3 of the report

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil, criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
8	Use	X	**Criminal Code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, that endanger the lives or health of persons or their property** **Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons or their property** **Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): receipt or utilization of the wastes of radioactive materials or nuclear substances; or use of radioactive isotopes**	X	Criminal Code, article 341 (enacted by Organic Law 10/1995 of 23 November 1995): release of nuclear power or radioactive elements, even if no explosion is involved, that endanger the lives or health of persons or their property Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): production of dangerous radiation (exposure of persons to ionizing radiation that endangers the lives or health of persons or their property Criminal Code, article 345 (enacted by Organic Law 10/1995 of 23 November 1995): receipt or utilization of the wastes of radioactive materials or nuclear substances; or use of radioactive isotopes	Page 3 of the report
9	Participate as an accomplice in aforementioned activities	X	**The Criminal Code provides, in general terms, for the prosecution of the criminal offence of complicity**	X	**The Criminal Code provides in general terms, for the prosecution of the criminal offence of complicity**	
10	Assist in aforementioned activities	X	**The Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	X	**The Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing assistance**	

Does national legislation exist which prohibits persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
11	Finance aforementioned activities	X	**The Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	X	**The Criminal Code provides, in general terms, for the prosecution of the criminal offence of providing financial assistance**	
12	Aforementioned activities related to means of delivery					
13	Involvement of non-State actors in aforementioned activities	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	X	**The Criminal Code does not differentiate between the commission of this type of offence by State or non-State actors, and therefore both types of actors are included**	
14	Other	X	**Criminal Code, article 343** (enacted by Organic Law 10/1995 of 23 November 1995): **interference with the functioning of nuclear or radioactive facilities or altering activities in which materials or equipment producing ionizing radiation are involved**	X	Criminal Code, article 343 (enacted by Organic Law 10/1995 of 23 November 1995): **interference with the functioning of nuclear or radioactive facilities or altering activities in which materials or equipment producing ionizing radiation are involved**	**Page 3 of the report**

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Spain**

Date of report: 26 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production	X	**1. Act 15/1994 on biosafety ("Act establishing a legal regime for the contained use, deliberate release and marketing of genetically modified organisms with a view to preventing risks for human health and the environment")** **2. Royal Decree 951/97 adopting the General Regulations for the implementation and enforcement of Act 15/1994** **3. Act 31/1995 on the prevention of risks at work** **4. Royal Decree 664/1997 on the protection of workers from risks related to exposure to biological agents at work**			**Page 4 of the report**
2	Measures to account for use	X	**1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997**			**Page 4 of the report**
3	Measures to account for storage	X	**1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997**			**Page 4 of the report**

S/AC.44/2004/(02)/15/Add.1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect RW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
4	Measures to account for transport	X	**1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997** **5. Royal Decree 2115/1998 on the transport of dangerous goods by road** **6. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway**			**Page 4 of the report**
5	Other measures for accounting					
6	Measures to secure production	X	**1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997** 5. Directive 2000/54/EC			**Page 4 of the report** Page 10 of the report of the European Union
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X	**1. Royal Decree 2115/1998 on the transport of dangerous goods by road** **2. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway** 3. Council Directives 94/55/EEC and 96/49/EEC	X	Party to the agreements concerning the international carriage of dangerous goods by road (ADR) and by rail (RID)	Pages 10 and 11 of the report of the European Union
10	Other measures for securing					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
11	Regulations for physical protection of facilities/ materials/transports	X	~~Royal Decree 158/1995~~ **1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997** **5. Royal Decree 2115/1998** **6. Royal Decree 1566/1999** **7. Directive 2000/54/EC**			Page 4 of the report **Page 10 of the report of the European Union**
12	Licensing/registration of facilities/persons handling biological materials	X	**1. Act 15/1994 on biosafety** **2. Royal Decree 951/97** **3. Act 31/1995** **4. Royal Decree 664/1997** 5. Directive 2000/54/EC			**Page 4 of the report** Page 10 of the report of the European Union
13	Reliability check of personnel	X				**Usual practice of the State security forces**
14	Measures to account for/secure/physically protect means of delivery					
15	Regulations for genetic engineering work	X	**Act 15/1994 on biosafety**			
16	Other legislation/regulations related to safety and security of biological materials	X	~~1. Act 15/1994 on biosafety~~ ~~2. Royal Decree 951/97~~ ~~3. Royal Decree 664/1997~~			~~Page 4 of the report~~
17	Other					

S/AC.44/2004/(02)/15/Add.1

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Spain**

Date of report: 26 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production	X	Act 49/1999 **on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons**			Page 4 of the report
2	Measures to account for use	X	Act 49/1999 **on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons**			Page 4 of the report
3	Measures to account for storage	X	Act 49/1999 **on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons**			Page 4 of the report
4	Measures to account for transport	X	**1. Act 49/1999 on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **2. Royal Decree 2115/1998 on the transport of dangerous goods by road** **3. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway**			**Page 4 of the report**
5	Other measures for accounting					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
6	Measures to secure production	X	**1. Act 49/1999 on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** 2. Directive 98/24/EC			**Page 4 of the report** Page 10 of the report of the European Union
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X	**1. Royal Decree 2115/1998 on the transport of dangerous goods by road** **2. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway** 3. Council Directives 94/55/EEC and 96/49/EEC	X	Party to the agreements concerning the international carriage of dangerous goods by road (ADR) and by rail (RID)	Pages 10 and 11 of the report of the European Union
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/transports	X	~~Royal Decree 158/1995~~ **1. Act 49/1999 on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **2. Royal Decree 2115/1998** **3. Royal Decree 1566/1999** **4. Directive 98/24/EC**			~~Page 4 of the report~~ **Page 10 of the report of the European Union**
12	Licensing of chemical installations/entities/use of materials	X	**1.** Act 49/1999 **on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **2. Directive 98/24/EC**			Page 4 of the report **Page 10 of the report of the European Union**

S/AC.44/2004/02/15/Add.1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
13	Reliability check of personnel	**X**				**Routine practice of the State security forces**
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	**X**	National Authority for the Prohibition of Chemical Weapons (Royal Decree 663/1997)			Page 4 of the report
16	Reporting Schedule I, II and III chemicals to OPCW	**X**				**Source: OPCW**
17	Account for, secure or physically protect old chemical weapons		**Not applicable**		**Not applicable**	**Not applicable**
18	Other legislation/regulations controlling chemical materials					
19	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: **Spain**

Date of report: 26 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production	X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**
2	Measures to account for use	X	**1. Act 25/1964 of 29 April 1964 on Nuclear Energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			Pages 3 **and 4** of the report

S/AC.44/2004/(02)/15/Add.1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NM and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
3	Measures to account for storage	X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**
4	Measures to account for transport	X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. Royal Decree 2115/1998 on the transport of dangerous goods by road** **5. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway** **6. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**
5	Other measures for accounting	X	1. Council Directive 2003/122/EURATOM (pending) 2. Directive 96/29/EURATOM			Page 4 of the report Page 8 of the European Union report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement (civil/criminal penalties, and others)*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
6	Measures to secure production	X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**
7	Measures to secure use	X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**
8	Measures to secure storage	X X	**1. Act 25/1964 of 29 April 1964 on nuclear energy** **2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities** **3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation** **4. INFCIRC/193 and INFCIRC/540**			**Pages 3 and 4 of the report**

S/AC.44/2004/(02)/15/Add.1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
9	Measures to secure transport	X	**1. Royal Decree 2115/1998 on the transport of dangerous goods by road** **2. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway** **3. Council Directives 94/55/EEC and 96/49/EEC**	X	Directive 92/3/EURATOM: prior notification of shipments	Page 8 of the European Union report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/transports	X	**1.** Royal Decree 158/1995 **adopting the Regulations for the physical protection of nuclear materials** **2. Royal Decree 2115/1998 on the transport of dangerous goods by road** **3. Royal Decree 1566/1999 on safety advisers for the transport of dangerous goods by road, rail or waterway**			Page 3 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	Directive 96/29/EURATOM			Page 8 of the European Union report
13	Reliability check of personnel	X				**Customary practice of State security forces**
14	Measures to account for/secure/physically protect means of delivery					
15	Regulations for genetic engineering work	X	**Nuclear Safety Council (Act 15/1980 of 22 April 1980)**			Page 3 of the report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
16	Other legislation/regulations related to safety and security of biological materials	**X**	1. Safeguards Agreement (INFCIRC/193 **and INFCIRC/540)** 2. Additional Protocol in force since 30 April 2004 **(Royal Decree 1206/2003 implementing the Additional Protocol)**			Page 3 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	**Signed** in April 2004			Page 3 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	**X**	Participates on basis of IAEA data			Page 4 of the report
19	Other agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM		1. Act 25/1964 of 29 April 1964 on nuclear energy 2. Royal Decree 1836/1999 adopting the Regulations on nuclear and radioactive facilities 3. Royal Decree 783/2001 adopting the Regulations for the protection of health against ionizing radiation			Pages 3 and 4 of the report
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls for BW including Related Materials

State: **Spain**

Date of report: 26 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violations be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 Implementing Provisions to the Community Customs Code 3. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **4. Royal Decree 1649/1998 implementing Title II of Organic Law 12/1995 on administrative infractions relating to smuggling**	X	1. Organic Law 12/1995 of 12 September 1995 on suppression of smuggling 2. **Royal Decree 1649/1998 implementing Title II of Organic Law 12/1995 on administrative infractions relating to smuggling**	Page 4 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	**Royal Decree 1782/2004 adopting the Regulations for the control of external trade in defence materials, other materials and dual-use goods and technologies**			
4	Enforcement agencies/authorities	X	**Treasury Department** **Ministry of Industry, Trade and Tourism**	X	The customs administration investigates and prosecutes banned activities or commits the perpetrators for trial as appropriate	Page 4 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Cite violators by penalized:		National legal framework		Enforcement – civil/criminal penalties and measures of implementation, etc.		
		YES	If YES, indicate legislative document	YES	If YES, indicate criminal penalties	Remarks
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 of 22 June 2000 2. Regulation (EC) No. 1504/2004 of 19 July 2004 3. Royal Decree 1782/2004 of 30 July 2004 **adopting the Regulations for the control of external trade in defence materials, other materials and dual-use goods and technologies**		1. Penal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling 3. Royal Decree 1649/1998	Page 5 of the report
6	Licensing provisions	X				
7	Individual licensing	X	Royal Decree 1782/2004	X	1. Penal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling 3. Royal Decree 1649/1998	Page 5 of the report
8	General licensing		Royal Decree 1782/2004		1. Penal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling 3. Royal Decree 1649/1998	Page 5 of the report
9	Exceptions from licensing	X	Within the Community, free circulation of all goods. Exceptions are listed in Annex IV of Regulation 1504/2004			Page 14 of the European Union report
10	Licensing of deemed export/visa	X	Royal Decree 1782/2004	X	1. Penal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling 3. Royal Decree 1649/1998	Page 5 of the report
11	National licensing authority	X	**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)**			

S/AC.44/2004/(02)/15/Add.1

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
12	Inter-agency review for licences	X	**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)** **European Union member States to consult each other before issuing licences**	~~?~~	~~Member States to consult each other before issuing licences~~	Page 15 of the European Union report
13	Control lists	X	1. Regulation (EC) No. 1504/2004; 2. Royal Decree 1782/2004; **3. Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			Page 14 of the European Union report Page 6 of the report
14	Updating of lists	X	Regularly updated			Page 14 of the European Union report
15	Inclusion of technologies	X	**Royal Decree 1782/2004**			Page 5 of the report
16	Inclusion of means of delivery	X	**Royal Decree 1782/2004**			Page 5 of the report
17	End-user controls	X	**Royal Decree 1782/2004**	X	**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**
18	Catch-all clause	X	**Royal Decree 1782/2004**			Page 5 of the report
19	Intangible transfers	X	**Royal Decree 1782/2004**			Page 5 of the report
20	Transit control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers transit of defence materiel but not of dual-use goods**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of WB and Related Materials? Can violators be penalized?		National legal framework		Enforcement, civil/criminal penalties, and measures of implementation, etc.		
		YES	If YES, indicate source document	YES	If YES, indicate source document	Remarks
21	Trans-shipment control	X	Royal Decree 1782/2004			The Spanish export-control system covers trans-shipment of defence materiel but not of dual-use goods
22	Re-export control	X	Royal Decree 1782/2004			The Spanish export-control system covers re-export of defence materiel but not of dual-use goods
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Royal Decree 1782/2004 2. **Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			**The Spanish control system partly covers imports of defence materiel and dual-use goods**
26	Extraterritorial applicability	X				Page 5 of the report
27	Other	X	Special registry for foreign-trade operators **(Royal Decree 1782/2004)**			Page 5 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Spain**

Date of report 26 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (provisions for the implementation of the Community Customs Code) 3. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **4. Royal Decree 1649/1998**	X	1. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **2. Royal Decree 1649/1998**	Page 4 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	**Royal Decree 1782/2004 of 30 July 2004 adopting the Regulation on control of foreign trade in material for military end-uses, other material and dual-use items and technology**			
4	Enforcement agencies/authorities	X	**Treasury Department** **Ministry of Industry, Tourism and Trade**	X	The customs administration investigates and prosecutes banned activities or commits the perpetrators for trial, as appropriate	Page 4 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violations be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 of 22 June 2000 2. Council Regulation (EC) No. 1504/2004 of 19 July 2004 3. Royal Decree 1782/2004 of 30 July 2004	X	1. Criminal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling 3. **Royal Decree 1649/1998**	Page 5 of the report
6	Licensing provisions	X				
7	Individual licensing	X	**Royal Decree 1782/2004**	X	1. **Criminal Code** 2. **Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** 3. **Royal Decree 1649/1998**	**Page 5 of the report**
8	General licensing	X	**Royal Decree 1782/2004**	X	1. **Criminal Code** 2. **Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** 3. **Royal Decree 1649/1998**	**Page 5 of the report**
9	Exceptions from licensing	X	Within the Community, free circulation of all goods. The exceptions are listed in Annex IV to Regulation 1504/2004			Page 14 of the European Union report
10	Licensing of deemed export/visa	X	**Royal Decree 1782/2004**	X	1. **Criminal Code** 2. **Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** 3. **Royal Decree 1649/1998**	**Page 5 of the report**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
11	National licensing authority	**X**	**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)**			
12	Inter-agency review for licences	**X**	**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)** **EU member States to consult each other before issuing licences**	?	**Member States to consult each other before issuing licences**	Page 15 of the European Union report
13	Control lists	**X**	1. Regulation (EC) No. 1504/2004 2. Royal Decree 1782/2004 **3. Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			Page 14 of the European Union report Page 6 of the report
14	Updating of lists	**X**	Regularly updated			Page 14 of the European Union report
15	Inclusion of technologies	**X**	**Royal Decree 1782/2004**			Page 5 of the report
16	Inclusion of means of delivery	**X**	**Royal Decree 1782/2004**			Page 5 of the report
17	End-user controls	**X**	**Royal Decree 1782/2004**	**X**	**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**
18	Catch-all clause	**X**	**Royal Decree 1782/2004**			Page 5 of the report
19	Intangible transfers	**X**	**Royal Decree 1782/2004**			Page 5 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and measures of implementation, etc.*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
20	Transit control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers transit of defence materiel but not of dual-use goods**
21	Trans-shipment control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers trans-shipment of defence materiel but not of dual-use goods**
22	Re-export control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers re-export of defence materiel but not of dual-use goods**
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. **Royal Decree 1782/2004** 2. **Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			**The Spanish control system partly covers imports of defence materiel and dual-use goods**
26	Extraterritorial applicability	X				Page 5 of the report
27	Other	X	Special registry for foreign-trade operators **(Royal Decree 1782/2004)**			Page 5 of the report

S/AC.44/2004/(02)/15/Add.1

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Spain**

Date of report: 26 Octobes 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossing/ export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Council Regulation No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **4. Royal Decree 1649/1998**	X	1. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **2. Royal Decree 1649/1998**	Page 4 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	**Royal Decree 1782/2004 of 30 July 2004 adopting the Regulation on control of foreign trade in material for military end-uses, other material and dual-use items and technology**			
4	Enforcement agencies/authorities	X	**Treasury Department** **Ministry of Industry, Tourism and Trade**	X	The customs administration investigates and prosecutes banned activities or commits the perpetrators for trial, as appropriate	Page 4 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
5	Export control legislation in place	X	1. Council Regulation (EC) No. 1334/2000 of 22 June 2000 2. Council Regulation (EC) No. 1504/2004 of 19 July 2004 3. Royal Decree 1782/2004 of 30 July 2004	X	1. Criminal Code 2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling **3. Royal Decree 1649/1998**	Page 5 of the report
6	Licensing provisions	X				
7	Individual licensing	X	**Royal Decree 1782/2004**		**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**
8	General licensing	X	**Royal Decree 1782/2004**	X	**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**
9	Exceptions from licensing	X	Within the Community, free circulation of all goods. Exceptions are listed in Annex IV to Regulation 1504/2004			Page 14 of the European Union report
10	Licensing of deemed export/visa	X	**Royal Decree 1782/2004**	X	**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
11	National licensing authority		**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)**			
12	Inter-agency review for licences		**Inter-Ministerial Board for defence materiel and dual-use goods (Royal Decree 1782/2004)** **EU member States to consult each other before issuing licenses**	?	~~Member States to consult each other before issuing licences~~	Page 15 of the European Union report
13	Control lists	X	1. Regulation (EC) No. 1504/2004 2. Royal Decree 1782/2004 **3. Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			Page 14 of the European Union report Page 6 of the report
14	Updating of lists	X	Updated regularly			Page 14 of the European Union report
15	Inclusion of technologies	X	**Royal Decree 1782/2004**			Page 5 of the report
16	Inclusion of means of delivery	X	**Royal Decree 1782/2004**			Page 6 of the report
17	End-user controls	X	**Royal Decree 1782/2004**	X	**1. Criminal Code** **2. Organic Law 12/1995 of 12 December 1995 on suppression of smuggling** **3. Royal Decree 1649/1998**	**Page 5 of the report**
18	Catch-all clause	X	**Royal Decree 1782/2004**			Page 5 of the report
19	Intangible transfers	X	**Royal Decree 1782/2004**			Page 5 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
20	Transit control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers transit of defence materiel but not of dual-use goods**
21	Trans-shipment control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers trans-shipment of defence materiel but not of dual-use goods**
22	Re-export control	X	**Royal Decree 1782/2004**			**The Spanish export-control system covers re-export of defence materiel but not of dual-use goods**
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	**1. Royal Decree 1782/2004** **2. Ministerial Order 60/2006 (Ministry of Industry, Tourism and Trade) of 12 January 2006**			**The Spanish control system partly covers imports of defence materiel and dual-use goods**
26	Extraterritorial applicability	X				Page 5 of the report
27	Other	X	Special registry for foreign-trade operators **(Royal Decree 1782/2004)**			Page 5 of the report

S/AC.44/2004/(02)/15/Add.1

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: **Spain**

Date of report: 26 October 2004

Can information be provided on the following issues:	YES		Remarks
1. Control lists — items (goods/equipment/materials/technologies)	X	Within the framework of the Nuclear Suppliers Group (NSG), the Zangger Committee, the Australia Group, the Missile Technology Control Regime, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the various procedures of the European Union, control lists and information exchange protocols **have been developed and are being maintained** ~~are being developed and maintained~~. An essential instrument in this activity is the lists contained in the annexes to Council Regulation (EC) No. 1504/2004 and Royal Decree 1782/2004.	Page 6 of the report
2. Control lists — other			
3. Assistance offered	X	**Spain regularly provides bilateral technical assistance, particularly to Spanish-speaking countries, in the area of export controls and legislative implementation of international instruments.**	**Pages 6 and 7 of the report**
4. Assistance requested			
5. Assistance in place (bilateral/plurilateral/multilateral)	X	**Spain has provided assistance (legal, technical or financial), particularly within the framework of the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons, to States for the fulfilment of their international obligations. Spain contributes its full target figure to the Technical Cooperation Fund and the IAEA Nuclear Security Fund.** European Union contribution to G8 Global Partnership to enhance nuclear safety and security, chemical weapons destruction, re-employment of former scientists, export control and border security.	**Pages 6 and 7 of the report** Page 6 of the European Union report

S/AC.44/2004/(02)/15/Add.1

Can information be provided on the following issues?	YES		Remarks
6 Information for industry	X	Objectives are achieved through public information on laws and commitments. Aspects of collaboration with industry and the public are, for instance, awareness-raising and providing information on the security risks posed by the proliferation of weapons of mass destruction, on the Nuclear Safety Council and the National Authority for the Prohibition of Chemical Weapons, and the holding of meetings and seminars with industry in the sector	Pages 7 and 8 of the report
7 Information for the public	X	Objectives are achieved through public information on laws and commitments. Aspects of collaboration with industry and the public are, for instance, awareness-raising and providing information on the security risks posed by the proliferation of weapons of mass destruction	Pages 7 and 8 of the report